

**Meeting of Elder Law Section of the CBA
December 17, 2009**

Co-Chairs:	Marco Chayet	Denver	303-355-8500
	Catherine Seal	Colorado Springs	719-448-0734
Secretary:	Tom Rodriguez	Louisville	303-604-6030
Treasurer:	Tammy Conover	Denver	303-534-5100
Council Members:	Shari Caton	Denver	303-832-1600
	Christina Brigham	Denver	303-877-1949
	Richard Mishkin	Englewood	303-228-2288
	Sarah Golombek	Englewood	303-761-4900
CBA Liaison:	Amy Sreenen	Denver	303-824-5311
Representative to CBA Board of Governors	John Campbell	Denver	303-290-7497
Uniform Trust Code Committee	Eric Solem	Englewood	303-761-4900
Medicaid Legislation Committee	John Campbell	Denver	303-290-7497

Frank Slaninger Acronym Key:

ELS = Elder Law Section

EC = Executive Council

T&E = Trust and Estates Section

SRC = Statutory Revisions Committee

DPC = Denver Probate Court

PoA = Power of Attorney

NCCUSL = National Conference of Commissioners on Uniform State Laws

HCPF = Department of Health Care Policy and Financing

The Executive Council Meeting of the Colorado Bar Association Elder Law Section was called to order at 8:25 A.M.

Shari tasked with creating guidelines for patron members. Passed around draft. Want to encourage patron membership. CBA bylaws allow patron members to designate themselves as a patron of the CBA. Should patron members be permitted to use in advertising that they are the patron of the CBA and not the ELS? Do not want patron members to use the ELS name and

association therewith for business marketing. Having the requirement that an ELS attorney sponsor patron members as part of application? Questioning whether potential problems outweigh the benefits of having patron members. Having patron members sign an acknowledgment another option. Should patron members be required to attend a certain number of ELS meetings before can apply? Should there be a limit on number of meetings that non-members can attend before they need to apply? EC still agrees to move forward with this process. Next step: Submit comments to Sarah and Shari about the draft patron membership. Also, Shari and Sarah will draft an acknowledgement for signature of new patron members. Include requirement of one or more sponsors, or personal recommendation. Have a place on the application or acknowledgement for sponsor to sign off. Should include an exemption to allow EC to waive dues for non-profit or gov't authority.

The Executive Council meeting ended at 9:00 A.M.

Call to Order and call for review and approval of the November Minutes

The meeting was called to order by Marco Chayet at 9:08 A.M.

Introductions followed, and the sign-in sheet was circulated. Those attending in person or by phone were:

Michael Valdez	Tom Rodriguez
Shari Caton	Tammy Conover
Marco Chayet	Frank Baysore
Chuck Connell	Frank Slaninger
Eileen Muench	Dave Bernhart
Dirk Costin	Brandon Fields
Susie Germany	Patrick Curnalla
Wayne Stewart	Rose Zapor
Elizabeth Tulloch	Lisa Eastin
Marcie McMinimee	Jeff Lamb
Mary Catherine Rabbitt	Michael Kirtland
Barbara Hahn	Kristine Callahan
Carl Glatstein	Katherine Miller
Dennis Valentine	Roseann Murray
John Holt	Amy Sreenen
Michelle Luwonn	Arlene Barringer
Richard Mishkin	Arthur Partridge
Stephen Wilson	Catherine Seal
Sarah Golombek	Ayodele Labode
Melissa Sugar	Nancy Wallace
Steve Strandberg	Kirsten Wander
Jane Runge	Rocky Williams

Beth Kinsky
John Rymers

Debbie Reinberg

2. **Treasurer's Report** – Tammy Conover – The Section has \$10,264. Retreat still has not come out, but will pay it to CLE before the end of the year.

3. **Old Business**

a. Committee Reports (Chairperson of the committee may report any current matters.) Our current committees are:

i. Civic and Community Affairs: Carl Glatstein – Moved meetings back to Thursdays at 12:15 in Capitol Room. July 31 for Senior Law Day at Convention Center. Tentative date and location.

ii. CLE and Publications Committee: Jennifer Gormley – Send any ideas for CLEs or articles. CLEs – Marco reports – three elder law projects coming up in the fall 2010: 1) Elder Law Institute; 2) Fundamentals class; and 3) Winter Retreat. CLE wants Retreat to be earlier, in August to September. Need to focus on avoiding duplicative content between Retreat and Institute. We will re-form Retreat committee in January. Fundamentals class generally is the same content each year. Also, discussion of having a joint family law and elder law CLE. Rose Zapor, Jennifer Gormley and Kerri Klein meeting to discuss.

iii. ADR: Martha Ridgway – Debbie Reinberg reports. Group growing. Meet at 11:00 a.m. Starting to work on a pilot project. DPC very interested. San Francisco project to pattern after.

iv. Medicaid Legislation: John Campbell – Passed.

v. Probate Compensation and Expense Recovery Committee: Marcie McMinimee – Will now go through legislative process.

vi. Winter Retreat: Susie Germany/Tammy Conover/Tom Rodriguez – Will meet in January.

vii. Powers of Attorney Abuse: Tom Rodriguez – Acknowledgement form ready. Now turning to implementation of the form. Proposal to have Orange Book Committee approve form.

b. Liaison Reports –

- i. Trust and Estate Council/Statutory Revisions Committee Liaison: Marcie McMinimee – SRC – 1) Decanting statute, going back into committee meetings. 2) Today, will discuss proposed change in slayer statute (if spouse convicted of a homicide, spouse cannot inherit from wife’s estate). No real time frame to determine when applicable. Intent to apply a 3-year statute of limitation. 3) Today, will discuss changes to the UPC on determining parentage on children not biologically related to the parents. 45 month time frame for genetic material outstanding from decedent. New things in DPC. If you are one day late with a conservator’s report, will make the conservator post a bond and personally pay for it.
- ii. AARP Liaison: Elizabeth Tulloch and Dennis Valentine – Nothing to report.
- iii. Department of Health Care Policy and Finance Liaison: John Campbell – Passed.
- iv. CBA Legislative Policy Committee Liaison: John Campbell – Passed.
- v. Legislative Issues: Michael Valdez – 1) Uniform Parentage Act. Small group met with Rep. Claire Levy. Make sure there is coordination between elder and family law. Rose reports – problem is inconsistent definitions in Titles 14/19 and 15. New Bill trumps a long line of case law re biological parents. Bill passed around at meeting. 2) Slayer statute revision from T&E will be in omnibus bill. 3) Bill went through hospice and palliative care committee. Bill will be circulated by ELS members for comment. Will try to have an ELS vote on approval or not before January 8 LPC meeting. Carl Glatstein involved with Bill and participated in a meeting at the legislature. 4) Legislature wants to move forward on living will/advance medical directives Bill worked on by Michael Kirtland. 5) Transfer of death uniform act/beneficiary deeds. Lots of people have a problem with that proposal.
- vi. NAELA Colorado – Marcie O’Brien/Catherine Seal – Will start up in the winter.
- vii. Denver Triad: Rocky Williams/Rose Zapor – Website is going to launch – denvertriad.org. Amy Sreenen is putting the Triad fraud alerts on the website.

- c. Other old business
 - i. Databank ready to receive orders. Four submitted. Email to Shari Caton at caton@poskuscatonklein.com. Website still under construction.

4. **New Business and Announcements**

- a. Hot Topics Discussion -
 - i. One of the amendments on the health care reform bill is the elder justice act.
 - ii. Report from DORA has been released. Recommendation that DORA should not be regulating professional fiduciaries. Registration of professional fiduciaries recommended. Valid for two legislative sessions. Attorney General's Office still looking into this. Sunrise Review Report will be posted on ELS website.
 - iii. Michelle Luwonn reports that a certain hospital is using a blanket informed consent form. Not a good form. Ask Michelle for more details.
 - iv. 1/1/2010 – DORA recommendations re long term care partnership goes into effect.
 - v. Aging in America conference in Chicago in March. Cate presenting on undue influence.
- b. Colorado Lawyer articles - keep them coming. Contact John Campbell, Jennifer Gormley, or the Co-Chairs with any ideas.
- c. CLEs and Programs
Topics and Speakers: Please continue to let the Co-Chairs know your ideas for possible speakers and topics.

Upcoming programs include: (Forward any to Tom, Marco or Cate)

The minutes from the November meeting were approved.

The Section Meeting ended at 10:02 A.M.

The CLE portion of the meeting began shortly thereafter. The speaker was Reba Nance and the topic was 60 Law Practice Tips for Elder Law Attorneys. Materials are available on the Section's website.

